

ORIGINAL

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Attorneys for Plaintiff and Counterclaim-Defendant
Hanson Permanente Cement of Guam

FILED

DISTRICT COURT OF GUAM

SEP - 1 2005

MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

HANSON PERMANENTE
CEMENT OF GUAM,

Plaintiff,

vs.

KRAFTPAK, LIMITED and
BRUCE ANSLEY, personally,

Defendants.

CIVIL CASE NO. 04-00042

**STIPULATION AGREEING TO
ALLOW THE FILING OF
COUNTERCLAIM- DEFENDANT'S
AMENDED ANSWER TO
COUNTERCLAIM-PLAINTIFF'S
ORIGINAL COMPLAINT**

KRAFTPAK, LIMITED,

Counterclaim-Plaintiff,

vs.

HANSON PERMANENTE
CEMENT OF GUAM,

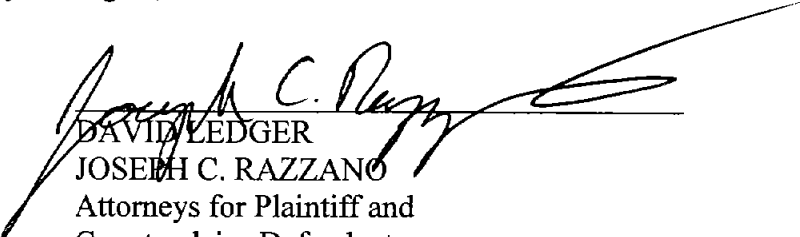
Counterclaim-Defendant.

**STIPULATION AGREEING TO COUNTERCLAIM-DEFENDANTS AMENDED
ANSWER TO COUNTERCLAIM-PLAINTIFF'S ORIGINAL COMPLAINT**

Now Come Plaintiff and Counterclaim-Defendant, Hanson Permanente Cement of Guam and Defendants and Counterclaim-Plaintiff, Kraftpak, Limited and Bruce Ansley, by and through their respective counsel, and agree to allow Counterclaim-Defendant's Amended Answer to be entered on the Court's docket and serve as the active pleading without the necessity of a formal Motion as contemplated by the Court's Joint Discovery Plan and Scheduling Order of January 26, 2005. The Amended Answer, attached as Exhibit "A" shall be filed stamped as of the date of the Court's execution of an Order recognizing this Stipulation.

SO STIPULATED this 26 day of August, 2005.

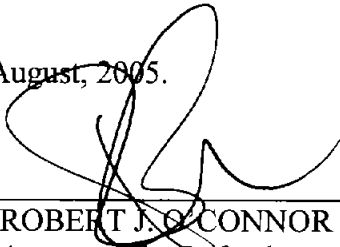
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Counterclaim-Defendant
Hanson Permanente Cement of Guam

SO STIPULATED this 26 day of August, 2005.

BERMAN O'CONNOR
MANN & SHKLOV



ROBERT J. O'CONNOR
Attorneys for Defendants and
Counterclaim-Plaintiff
Kraftpak, Limited and Bruce Ansley

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IN THE DISTRICT COURT OF GUAM

HANSON PERMANENTE
CEMENT OF GUAM,

Plaintiff,

vs.

KRAFTPAK, LIMITED and
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Defendants.

CIVIL CASE NO. 04-00042

**COUNTERCLAIM DEFENDANT'S
AMENDED ANSWER TO
KRAFTPAK, LIMITED'S
COUNTERCLAIM**

KRAFTPAK, LIMITED,

Counterclaim-Plaintiff,

vs.

HANSON PERMANENTE
CEMENT OF GUAM,

Counterclaim-Defendant.

COUNTERCLAIM DEFENDANT'S AMENDED ANSWER TO
KRAFTPAK, LIMITED'S COUNTERCLAIM

Counterclaim Defendant Hanson Permanente Cement of Guam ("Hanson"), by and through its attorneys Carlsmith Ball LLP, answers Kraftpak, Limited's ("Kraftpak") Counterclaim as follows:

1. Hanson admits the allegations contained in paragraphs 1 and 2.
2. Hanson denies the allegations contained in paragraphs 3, 4, 6, 7, 9, 10 and 11.
3. With respect to incorporation paragraphs 5 and 8 of the Counterclaim, Hanson reincorporates its prior responses to the paragraphs referred to herein.
4. In the event there is any allegation in the Complaint which Hanson failed to address above, then all such allegations are denied.

DEFENSES

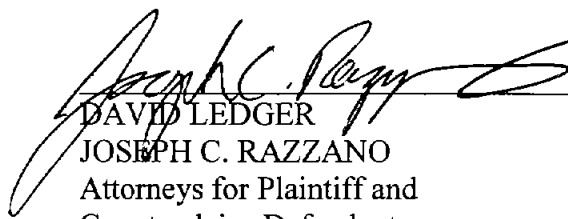
1. The cause of action fails to state a claim upon which relief can be granted.
2. The Counterclaim is barred in whole or in part by accord and satisfaction, estoppel, breach of contract, release, payment, waiver, discharge, laches and unclean hands.
3. The Counterclaim is barred in whole or in part by the applicable statute of limitations, statute of repose, or other limitation on the bringing of suits.

WHEREFORE Counterclaim Defendant Hanson requests relief against Counterclaim Plaintiff Kraftpak be denied.

Hanson, as the Counterclaim Defendant in the Counterclaim, also prays that Kraftpak take nothing by its Counterclaim and that Judgment on Plaintiff's Complaint be entered in favor of Hanson and against Kraftpak as well as costs, reasonable attorneys fees and other relief deemed appropriate by the Court.

DATED: Hagåtña, Guam, August 22nd, 2005.

CARLSMITH BALL LLP



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Attorneys for Plaintiff and
Counterclaim-Defendant
Hanson Permanente Cement of Guam